

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE BEXTRA AND CELEBREX  
MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY  
LITIGATION

Larry Abney, Robert Carrozza  
representing Carmen Carrozza, Deanna  
Cheatem, Zoltan Drago, Edward Foster,  
Marvin Lewis, Jane Lothes, Deborah c.  
Lowry representing Kelvin K. Lowry,  
Leo Maningas, Robert Mayer, Robert S.  
Miller, Shirley Sharpe representing  
Donald V. Sharpe,

Plaintiffs,

v.

PFIZER PHARMACEUTICALS, INC.,  
a New York Corporation,

Defendant.

Plaintiff, Edward Foster

Master Docket No. M: 05-CV-01699-  
CRB

MDL No. 1699

Original Docket No.: 06 C 6338

STIPULATION AND ORDER OF  
DISMISSAL WITHOUT PREJUDICE  
ONLY AS TO EDWARD FOSTER

IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil Procedure 41(a), by and between counsel for the PLAINTIFF, EDWARD FOSTER, and counsel for the Defendant, that the Complaint of Plaintiff EDWARD FOSTER, is hereby dismissed without prejudice.

1. Plaintiff is EDWARD FOSTER; Defendant is PFIZER PHARMACEUTICALS, INC.;
2. On October 10, 2006, Plaintiff sued Defendant;

3. Plaintiff is part of a Multi-Plaintiff lawsuit and is a named Plaintiff;
4. This stipulation and dismissal only applies to EDWARD FOSTER and not to any other named plaintiff in this class action;
5. PLAINTIFF, EDWARD FOSTER moves to dismiss his claims against Defendant;
6. Defendant has answered these claims;
7. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.
8. Should Plaintiff or a representative of Plaintiff attempt to re-file claim against Defendants, it is agreed that they will do so only by re-filing in the United States District Court.
9. Each side shall bear its own attorneys' fees and costs.

Dated: \_\_\_\_\_

KENNETH B. MOLL & ASSOCIATES, LTD.

By: \_\_\_\_\_

  
Pamela G. Sotoodeh

Attorney for EDWARD FOSTER

Dated: \_\_\_\_\_

SIDLEY AUSTIN, LLP

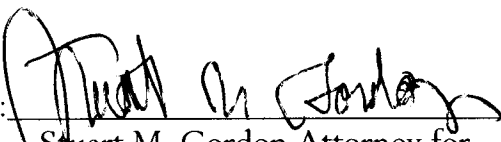
By: \_\_\_\_\_

Debra E. Pole

Attorney for Defendant PFIZER, INC.,


Dated: 6-26-07

GORDON & REES

By:   
Stuart M. Gordon Attorney for  
Defendant PFIZER, INC.,

PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,  
IT IS SO ORDERED.

Dated: 7/9/2007

  
Hon. Charles R. Breyer  
United States District Court